## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION

MICHAEL FITZGERALD, and	)
WORLD WISDOM, INC.,	)
DI.:	)
Plaintiffs,	)
v.	) No. 1:21-cv-01822-TWP-TAB
MAUDE MURRAY, and BEACON BOOKS AND MEDIA, LTD,	) ) )
Defendants.	)

# ORDER ON DEFENDANT'S EXPEDITED MOTION ACCUSING PLAINTIFFS OF PERJURY AND MOTION FOR JURY TRIAL DUE TO RACKETEERING CHARGE

This matter is before the Court on an "Expedited Motion Accusing Plaintiffs of Perjury" (Filing No. 201) and a "Motion for Jury Trial due to Racketeering Charge" (Filing No. 208) filed by *pro se* Defendant Maude Murray ("Ms. Murray"). After engaging in various other legal disputes with Ms. Murray, Plaintiffs Michael Fitzgerald ("Fitzgerald") and World Wisdom, Inc. ("World Wisdom") (collectively, "Plaintiffs") initiated this lawsuit to protect their copyrighted works from infringement by Ms. Murray and co-defendant Beacon Books and Media, LTD ("Beacon Books") (collectively, "Defendants"). Following extensive litigation, the Court entered summary judgment in favor of the Plaintiffs and against Ms. Murray, the Court entered default judgment against Beacon Books, and the Plaintiffs voluntarily dismissed their civil RICO claim against the Defendants (*see* Filing No. 156; Filing No. 81; Filing No. 180; Filing No. 210). For the following reasons, Ms. Murray's two pending Motions are denied.

### A. Expedited Motion Accusing Plaintiffs of Perjury

In her Expedited Motion Accusing Plaintiffs of Perjury, Ms. Murray asserts, "On page 5, the Motion for final summary judgment says that I did not comply in answering their discoveries which included my having to send my whole list of email addresses. All but one person in my 37 page list had NOT requested anonymity." (Filing No. 201 at 1.) Ms. Murray goes on to explain that she responded to the Plaintiffs' discovery requests after she was ordered to do so by the Court, and she concludes, "[n]ew rules for leniency with PRO SE litigants are needed, and more for old people. Masters degrees 60 years old mean nothing either." *Id.* at 2.

In asking the Court to deny this Motion, the Plaintiffs respond,

Defendant Maude Murray takes issue with the portion of Plaintiffs' Motion for Entry of Partial Final Judgment where they say that Murray "refused to participate meaningfully in discovery" as to their RICO claim. *See* Dkt. 201 (citing Dkt. 196 at 5). Her motion accuses Plaintiffs of perjury but otherwise does not state a coherent request for relief. *See generally* Dkt. 201. It should be denied on that basis alone. Dkt. 185 ("Any motion filed by Murray must clearly state, in a short and plain statement, the action she wants the Court to take and the legal reasons why the Court should grant the requested relief.").

Regardless, Plaintiffs did not commit perjury because the comment in their motion was true. *See*, *e.g.*, Dkt. 63 (Murray explaining that she deletes all her messages).

Plaintiffs also did not commit perjury, because their comment was not sworn or affirmed under oath. 18 U.S.C. § 1621.

# (<u>Filing No. 202 at 1</u>.)

Upon review of the parties' arguments and the case docket, the Court concludes that the Plaintiffs' position is well-taken and supported. Ms. Murray fails to clearly state any specific action that she wants the Court to take or any specific requested relief. The Plaintiffs' comment that Ms. Murray refused to participate meaningfully in discovery is supported by the record in this case, and the comment made in a motion was not sworn to or affirmed under oath, so the Plaintiffs did

not commit perjury. Therefore, Ms. Murray's Expedited Motion Accusing Plaintiffs of Perjury must be **denied**.

## B. Motion for Jury Trial due to Racketeering Charge

In her Motion for Jury Trial due to Racketeering Charge, Ms. Murray states, "IF the horribly trumped up charge of racketeering is not dropped, I request a jury trial." (Filing No. 208 at 1.) As noted above, on February 1, 2023, the Plaintiffs voluntarily dismissed their civil RICO claim against the Defendants, and the Court granted that voluntary dismissal, so no racketeering claim is pending against Ms. Murray (*see Filing No. 209*; Filing No. 210). Therefore, Ms. Murray's Motion for Jury Trial due to Racketeering Charge is **denied as moot**.

#### **CONCLUSION**

For the reasons stated above, *pro se* Defendant Maude Murray's "Expedited Motion Accusing Plaintiffs of Perjury" (Filing No. 201) and "Motion for Jury Trial due to Racketeering Charge" (Filing No. 208) are **DENIED**.

SO ORDERED.

Date: 5/5/2023

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Jason Rauch FAEGRE DRINKER BIDDLE & REATH LLP jason.rauch@faegredrinker.com Hon. Tanya Walton Pratt, Chief Judge United States District Court Southern District of Indiana

c/o Dilawar Khan, Son of Abdul Qayyum Mandroch Khurd P.O. Nawan Shehr Abbottabad, KPK Pakistan